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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/803,264 12/03/91 KATZ

R 4646-101NR

EXAMINER

BROWN, T

ART UNIT

PAPER NUMBER

2601

15

DATE MAILED:

02/19/93

This is a communication from the examiner in charge of your application  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 11/12 & 11/23/92 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 29-38, 42-51 and 53-60 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☒ Claims 29-37, 42-45, 47, 49-51, 53, 59 and 59 are allowed.

4. ☒ Claims 38, 46, 48 and 54-58 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

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1. The drawings are objected to because of an obvious misspelling in the label of block 102 of FIG. 4. Correction is required.

2. The amendments received November 12, 1992 (Paper No. 13, "#13" hereinafter) and November 23, 1992 (Paper No. 14, "#14" hereinafter) are objectionable for non-compliance with 37 CFR 1.121(b). In #14, claim 48, line 3, "computer" in brackets previously was "comparator". In #13, claim 38, line 18, "terminals" in the previous version has been changed to "terminal" without the required bracketing (of the previous version) and underlining (of the new version). In #13, claim 50, each of lines 2, 3, 9, 12 and 14, the previous appearance of "terminals" has been changed to "terminal apparatus", without the required respective bracketing and underlining. Rather than unnecessarily further delay prosecution, the examiner has proceeded with examination. However, applicant is reminded that future amendments not in compliance with the rules may be denied entry.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The specification is objected to under 35 U.S.C. 112, first paragraph as failing to provide an adequate written description and enabling disclosure of the invention of claim 55. Applicant has (in #13) added to claim 55, at line 18, a phrase "to compose and store data in a specific format", as a further characterization of the "analysis structure", and refers (in #13, at page 13, first full paragraph, last sentence) to page 12 of the specification as providing support therefor. However, the examiner does not find on that page any reference to any "analysis structure" as "compos[ing] and stor[ing] data in a specific format" as part of its attributed function of "processing said caller data signals...from said digital input means" (that is, data from the caller's keypad). Therefore,

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support for the added characterization is unclear. Pending proof of support, the added characterization must be considered inaccurate.

4. Claims 55-58 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

5. Claims 38, 48, 54 (by dependency from 38) and 55-58 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 38, line 18, "said terminal" lacks antecedent basis.

In claim 48, line 6, "to vary probability" of what?

In claim 55, line 18, it is unclear whether the "data" indicated to be "compose[d] and store[d]" is intended to be the "data" as recited in line 17, or the "terminal digital data" (line 8), or both, or other data.

In claim 57, line 5, "specific of said callers" is an obvious error.

6. Claim 46 is rejected under 35 U.S.C. § 102(e) as being anticipated by Riskin. See columns 5 and 6 of the patent, wherein are described various "formats" of interactive services providable by the system, such as stock quotation, movie directory, and product information access, each of which "formats" is accessed by the caller dialing a specific number associated therewith. Further, each "format" clearly involves specific "vocal information" to the caller in association therewith, and moreover, "information signals" are provided to "remote terminal apparatus" (the caller's telephone) "selectively with respect to said various formats in accordance with...called terminal signals whereby a caller selectively receives information in accordance with a predetermined format" (applicant's

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claim, at lines 17-21). Thus, the broad terms of this claim clearly are readable on the reference.

7. Claims 29-37, 42-45, 47, 49-51, 53, 59 and 60 are allowed.

8. Claims 38 and 48 apparently would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112. Also, with acceptable correction of claim 38, its dependent claim 54 also would be allowable therewith.

9. Because of the noted inaccuracy and indefiniteness thereof, claims 55-58 cannot be accurately evaluated. However, to the extent these claims can be understood, they are seen to remain within the scope of the prior art, such as Riskin or DeFrancesco et al., or the latter in view of the former, as noted in the previous Office action (Paper No. 10), on page 6 thereof. Applicant's conclusory statement (in #13, at page 13, first full paragraph) that the "analysis structure" and "control structure" of his claim 55 "is not taught by the disclosure in either of the patents when considered alone or in combination" is lacking in specifics and unpersuasive. As explained by the examiner, the references clearly do perform "analysis" on received caller input data, and the analysis certainly is controlled; therefore, the patents clearly have inherent "structures" to perform the attributed functions. As for the phrase applicant has added to claim 55, "to compose and store data in a specific format", as noted, support therefor in the context has not been proven, and anyway the intended limitation of the phrase is unclear. However, the cited patents certainly do "compose and store data in a specific format", because otherwise they obviously could not have appropriately stored and processed input data for reporting to associated firms, as the described systems clearly were intended to do. To the limited extent the subject claims can be understood, the examiner finds the subject

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claimed combinations to be apparently well within the scope of the prior art.

10. Applicant's terminal disclaimer (Paper No. 8) and supplemental declaration (filed with #13) have been approved.

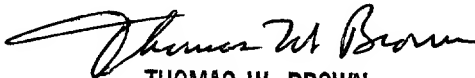
11. The Barger, Jr. et al. and Entenmann et al. patent copies submitted by applicant (the former already of record) are noted. These references are not seen to suggest the specific combinations of subject matter represented in the claims allowed or in those apparently drawn to allowable subject matter as identified herein. The latter patent is listed on the Form PTO-892 herewith, for the record.

12. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

13. Any inquiry concerning this communication from the examiner should be directed to Thomas W. Brown whose telephone number is (703) 305-4733. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

TWBrown  
2/18/93

  
THOMAS W. BROWN  
PRIMARY EXAMINER  
GROUP 261